

## **EXHIBIT 7**

## Chapter 210, Zoning Contents

Contents	1	
Chapter 210 Zoning	5	
GENERAL REFERENCES	5	
<b>Article I Title and Purpose</b>		<b>5</b>
§ 210-1 Long title.	5	
§ 210-2 Short title.	6	
§ 210-3 Purposes.	6	
<b>Article II Zoning Districts and Zoning Map</b>		<b>6</b>
§ 210-4 Districts established.	6	
§ 210-5 Zoning Map.	7	
§ 210-6 Interpretation of district boundaries.	7	
§ 210-7 General district regulations.	8	
§ 210-8 Mailbox support structures and pillars.	9	
§ 210-9 (Reserved)	10	
<b>Article III. Use Regulations</b>		<b>10</b>
§ 210-10. General requirements.	10	
§ 210-11. Scope.	10	
§ 210-12. Utilization of use regulations.	10	
§ 210-12.1. Residential places of assembly.	10	
§ 210-12.2. Neighborhood places of worship.	12	
§ 210-12.3. Freestanding places of worship.	14	
§ 210-12.4. Educational institutions with accessory housing.	15	
§ 210-13. Prohibited uses.	16	
§ 210-14. RR-50 Rural Residential District regulations.	17	
§ 210-15. R-40 Residential District regulations.	20	
§ 210-16. R-35 Residential District regulations.	22	
§ 210-17. R-25 Residential District regulations.	25	
§ 210-18. R-15 Residential District regulations.	27	
§ 210-19. RSH Specialized Housing Residential District regulations.	29	
§ 210-20. NS Neighborhood Shopping District regulations.	30	
§ 210-21. VC Village Center District regulations.	33	
§ 210-22. PO Professional Office District regulations.	37	
§ 210-23. LO Laboratory-Office District regulations.	38	
§ 210-24. PI Planned Industry District regulations.	40	
§ 210-25. Garages.	42	
§ 210-26. Temporary Structures	43	
§210-26.1 Beekeeping	44	
<b>Article IV Bulk Regulations</b>		<b>47</b>
§ 210-27 General requirements.	47	
§ 210-28 Bulk tables.	47	
§ 210-29 Special bulk requirements.	47	
§ 210-30 Average density.	48	
§ 210-31 Existing Undersized Lots.	48	
§ 210-32 (Reserved)	49	
<b>Article V Yard and Setback Regulations</b>		<b>49</b>
§ 210-33 General requirements.	50	
§ 210-34 Front yard and setback exceptions.	50	
§ 210-35 Side and rear yard exceptions.	50	
§ 210-36 Measurement of front yards and setbacks.	51	
§ 210-37 Corner lots.	51	
§ 210-38 (Reserved)	51	
§ 210-39 (Reserved)	51	
<b>Article VI Supplementary Regulations</b>		<b>51</b>
§ 210-40 Permitted height exceptions.	51	
§ 210-41 Courts.	52	

have resulted directly or indirectly from the presence of said mailbox support structure. This includes damage to the support structure. The hold-harmless and indemnification protection shall also extend to whomever supplies snowplowing services to the Village, such as the Town of Ramapo and its Highway Department.

- F. Time limit for compliance of existing support structures. Mailbox support structures existing as of the effective date of this section must be brought up to compliance on or before August 2008. After expiration of said grandfathering period, without compliance, the owner of said structure shall be subject to prosecution for maintaining an unlawful structure in a Village right-of-way.
- G. Mailbox structures in state or county rights-of-way; applicability. The Village does not hereby purport to authorize the placement of mailbox support structures in state or county rights-of-way. However, upon the provision by the applicant of written permission from the state or county, the Building Inspector is authorized to issue a building permit, oversee construction, and issue a certificate of use for same. For the purposes of this section, simple mailbox support posts not exceeding eight inches in any horizontal dimension and not erected on a footing versus being held in position by cement or the equivalent shall not be considered mailbox support structures regulated hereby.

§ 210-9 (Reserved)

### **Article III. Use Regulations**

§ 210-10. General requirements.

The general requirements affecting the use of buildings, structures and land for each of the districts established by Article **II** are hereby established and set forth in this article.

§ 210-11. Scope.

The following sections specify all uses permitted by right as well as all special permit uses and accessory uses.

§ 210-12. Utilization of use regulations.

Any use not identified as a permitted use, special permit use or accessory use shall be deemed prohibited. Any use indicated as special permit use shall be deemed prohibited unless approved in a manner specified by this chapter. Where special permit uses are identified by generic word or description, the Planning Board shall determine whether a specific use shall be construed to be part of such generic class. In making such determination, the Planning Board shall consider to what extent the proposed use is like, in land use impacts, the class of use indicated in the list.

§ 210-12.1. Residential places of assembly.

- A. Legislative intent. The Village Board of the Village of Airmont finds and determines that in order to promote individual constitutional rights to freedom of religion, freedom of assembly and the protection of the health, safety and welfare of its citizens, the Village Board has established residential places of assembly as accessory uses permitted by special permit to a one-family detached residence in any residential district in the Village of Airmont, subject to the requirements of this section of the Zoning Code. Residential places of assembly are not intended to permit commercial uses or schools of public, special or religious instruction.

B. Regulations and application. A Residential Place of Assembly as defined herein is a special permit use subject to site plan review pursuant to §210-73 Site Development Plan Review of the Zoning Code.

(1) Applications for a residential place of assembly shall apply to the establishment of an accessory use to a single-family detached residence that shall not exceed the 40% of the gross floor area of a residence.

(a) This calculation includes places where associated activities are carried out such as bathrooms, meeting rooms, lobby areas and/or other accessory facilities used primarily in conjunction with the residential place of assembly.

(2) Use. A residential place of assembly is an accessory use where organizations or loose-affiliations of likeminded people conduct civic, social or religious activities more than three (3) times per month.

(3) Parking. In addition to off-street parking required for the residence, additional off-street parking for any residential place of assembly shall be provided at the rate of one parking space for every 200 square feet of gross floor area for the residential place of assembly, or 1 space per 3 seats, whichever is greater

(a) The Planning Board, during site plan review, may require that more parking be included if existing conditions indicate the need.

(b) No vehicle shall be parked or stored in any required yard or fire lane, pursuant to Section 210-48 of this code.

(4) Any signage or lighting shall be consistent with the requirements set forth for the zoning district in which the residential place of assembly is located as per Article VIII, Signs and in accordance with §210-87 Exterior Lighting. This shall be reviewed by the Architectural Review Committee pursuant to **Article I, Chapter 5** of the Village Code in order to ensure that all structures shall be compatible with the character of the surrounding neighborhood.

(5) Facilities such as public baths, schools, and classrooms shall be deemed separate uses and are not permitted in an accessory residential place of assembly.

(6) No space within the residential place of assembly may be rented out, utilized by non-members or used for meetings or functions not directly associated with the approved accessory use.

(7) Use of any outdoor areas of the property shall be strictly limited to parking and passive recreation use, a small jungle gym for children, benches and picnic tables.

(8) No accessory cooking facilities or catering facilities are permitted, other than residential cooking facilities.

(9) Buffers. A landscaped buffer with a minimum dimension of the respective required setback for the district shall be required as condition of approval for any special permit principal or accessory use in or directly adjacent to a residential zoning district where such uses may adversely affect the residential character of the neighborhood. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed special permit use approval.

(10)

(11) The plan shall also demonstrate compliance with all applicable laws, statutes, rules and/or regulations, including, but not limited to, the New York State Building and Fire Codes.

- (12) A narrative summary shall be submitted, providing the anticipated number of members, square footage of the residential and worship spaces, days and hours of services, and number of parking spaces provided.
- (13) Compliance. Failure to comply with any provision of this Section shall be deemed a violation of this Chapter and may result in revocation of the Special Use Permit upon hearing of the Planning Board, and/or any appropriate enforcement proceeding available under any local or State law, ordinance or regulation.
- (14) Except as set forth in this Section, all applications for residential places of assembly shall comply with any and all applicable procedures and requirements, including, but not necessarily limited to, Article IX of this chapter (Site Plan Review Procedure), and Chapter 164 of the Village Code (Site Development Plan Regulations).
- (15) All applications for residential places of worship shall be given priority in the scheduling of agenda items and hearings and in rendering of all decisions. That priority will include, but not be limited to, the placement of residential place of worship applications on the Planning Board or CDRC calendar before any other applications can be scheduled to be heard by the Planning Board or CDRC.

§ 210-12.2. Neighborhood places of worship.

- A. Legislative Intent. The Airmont Village Board finds and determines that in order to promote individual constitutional rights to freedom of religion, freedom of assembly and the protection of the health, safety and welfare of its citizens, the Zoning Code establishes neighborhood places of worship as a special permit use by the Planning Board in all zoning districts within the Village of Airmont.
- B. Definition. A neighborhood place of worship shall mean a building or structure on a lot of at least 40,000 square feet, or the required lot area for the underlying residential zoning district, whichever is greater, and that is used exclusively to conduct any form of organized religious ritual, services, or acts of religious praise, honor or devotion.
- C. Regulations and application.
  - (1) Except as set forth herein, the establishment of neighborhood places of worship shall be subject to the requirements of **Articles IX, XI and XII §210-97**, of this chapter and **Chapter 164** of the Village Code.
  - (2) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.
  - (3) Issues regarding lighting, signage and design shall be reviewed by the Architectural Review Committee pursuant to §5-10, Article VIII, Signs and 210-87 Exterior lighting of the Village Code, in order to ensure that all structures shall be compatible with the character of the surrounding neighborhood.

- (4) **Buffers.** A landscaped buffer with a minimum dimension of the respective required setback for the district shall be required as condition of approval for any special permit principal or accessory use in or directly adjacent to a residential zoning district where such uses may adversely affect the residential character of the neighborhood. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed special permit use approval.
- (5) **Permitted Accessory Uses.** Only uses customarily incidental and subordinate to neighborhood places of worship shall be permitted, so long as such accessory uses are consistent with the character of the neighborhood in which the neighborhood place of worship is located and the accessory uses permitted therein.
- (6) **Prohibited Accessory Uses.** Notwithstanding Subsection **C(2)** herein, the following accessory uses are prohibited:
  - (a) Living quarters
  - (b) Catering facilities
  - (c) Social halls.
  - (d) Child day-care centers.
  - (e) Schools of general or religious instruction, and schools of special instruction as defined in this chapter, except that classrooms for occasional religious instruction held for no more than 10 hours per week are permitted subject to Planning Board approval.
- (7) **Parking.** Off-street parking for any neighborhood place of worship shall be provided at the rate of one (1) parking space for every 200 square feet gross floor area of the neighborhood place of worship, or 1 space per 3 seats, whichever is greater.
  - (a) No vehicle shall be parked or stored in any required yard or fire lane, pursuant to Section 210-48 of this code.
- (8) Where wedding receptions or other social functions are held at the neighborhood place of worship, attendance shall be limited to the occupancy of the place of worship, as per New York State Fire Code, as well as the available on-site parking.
- (9) Use of any outdoor areas of the property shall be limited to parking and passive recreation, a jungle gym for children, benches, and picnic tables.

§ 210-12.3. Freestanding places of worship.

- A. **Legislative Intent.** The Village Board of the Village of Airmont finds and determines that in order to promote individual constitutional rights to freedom of religion, freedom of assembly

and the Village of Airmont's interest in protecting the health, safety and welfare of its citizens, the Zoning Code establishes freestanding places of worship as a special permit use by the Planning Board in all zoning districts within the Village of Airmont.

B. Definition. A freestanding place of worship shall mean a building or structure used exclusively for the conduct of any form of organized religious devotion, ritual services, or acts of religious praise, honor or devotion, which does not fall under the definition of either an accessory residential place of worship, or a neighborhood place of worship. A portion of the building or structure may be dedicated as living quarters for clergy and their families.

C. Regulations and application.

- (1) Except as set forth herein, the establishment of freestanding places of worship shall be subject to the requirements of Articles IX, XI and XII §210-97 of this chapter and Chapter 164 of the Village Code.
- (2) A freestanding place of worship shall be located on a lot of no less than 2 acres, except that if the freestanding place of worship contains a catering facility or a social hall or is located in the RR-50, a freestanding place of worship shall be on a lot of no less than 5 acres.
- (3) Issues regarding lighting, signage and design shall be reviewed by the Architectural Review Committee pursuant to §5-10 of the Village Code in order to ensure that all structures shall be compatible with the character of the surrounding neighborhood.
- (4) Buffers. A landscaped buffer with a minimum dimension of the respective required setback for the district shall be required as condition of approval for any special permit principal or accessory use in or directly adjacent to a residential zoning district where such uses may adversely affect the residential character of the neighborhood. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed special permit use approval.
- (5) Freestanding places of worship may allow community groups, neighborhood groups, or non-profit groups to hold meetings no more than three (3) times per month, unless otherwise prior approval is obtained from the Village Building Department. No other use by non-congregants for public assembly or social gatherings will be permitted.
- (6) No social function, not including regularly scheduled religious service, may be held between the hours of 12:00 A.M. and 6:00 A.M. For the purpose of this provision, regularly scheduled shall mean occurring in greater frequency than three times per calendar year.
- (7) Where receptions or other social functions for congregants are held at the freestanding place of worship, attendance shall be limited to the available parking and occupancy of the place of worship as per the New York State Fire Code.
- (8) Use of any outdoor space of the property shall be limited to parking and passive recreational use only, which may include a small jungle gym for children, benches, and



picnic tables.

- (9) Permitted Accessory Uses. Only uses customarily incidental and subordinate to freestanding places of worship shall be permitted.

(a) Living quarters not to exceed 20% of the gross floor area of the freestanding place of worship

- (10) Prohibited Accessory Uses. Notwithstanding Subsection C(2) herein, the following accessory uses are prohibited:

(a) Child day-care centers.

- (11) Catering facilities and social halls. Any catering facility or social hall accessory to a freestanding place of worship shall, in addition to the special permit use standards set forth in Section 210-97 of this chapter comply with the standards set forth in Section 210-117

- (12) Parking. Off-street parking for any freestanding place of worship shall be provided at the rate of one (1) parking space for every 200 square feet of gross floor area of the freestanding place of worship, or one (1) space per three (3) seats, whichever is greater.

(a) No vehicle shall be parked or stored in any required yard or fire lane, pursuant to Section 210-48 of this code.

- (13) A narrative summary shall be submitted, providing the anticipated number of congregants, square footage of the sanctuary and other dedicated spaces, days and hours of services, and number of parking spaces provided.

- (14) Compliance. Failure to comply with any provision of this section shall be deemed a violation of this Chapter and may result in revocation of the special use permit upon hearing of the Planning Board, and/or many appropriate enforcement proceeding available under any local or state law, ordinance or regulation.

#### § 210-12.4. Educational institutions with accessory housing.

A. Legislative intent. The Village Board of the Village of Airmont finds and determines that in order to promote individual constitutional rights to freedom of religion, freedom of assembly and the Village of Airmont's interest in protecting the health, safety and welfare of its citizens, the current Zoning Code should be amended to establish educational institutions with accessory housing as a special permit use by the Planning Board.

B. Regulations and application. The establishment of such educational institutions with accessory housing shall be subject to the requirements of Articles **IX**, **XI** and **XII**.

#### § 210-13. Prohibited uses.



The uses which are listed in this section are specifically prohibited in the Village, subject to the qualifications set forth in Article II, § 210-7D.

- A. Manufacturing uses involving primary production of the following products from raw materials:
  - (1) Asphalt, cement, charcoal and fuel briquettes.
  - (2) Chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxilin, rayon yarn and hydrochloric, nitric, phosphoric, picric and sulfuric acids.
  - (3) Coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size.
  - (4) Linoleum and oilcloth; matches; paints, varnishes and turpentine.
  - (5) Rubber (natural or synthetic); soaps, including fat-rendering; starch.
- B. The following processes: nitrating of cotton or other materials; milling or processing of flour, feed or grain; magnesium foundry; reduction, refining, smelting and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including paper mill operations.
- C. Operations involving stockyards and slaughterhouses, grain elevators, slag piles and keeping, breeding and raising of pigs or cattle for commercial purposes.
- D. Storage of explosives, except under license from the State of New York and in a manner and place conforming to the laws of the State of New York and the American Table of Distances and provided that no more than 5,000 pounds is stored in any one magazine.
- E. Bulk or wholesale storage of gasoline above ground.
- F. Dumps, sanitary landfills, recycling centers, resource recovery facilities and junkyards, except those operated by the Village or operated under contract to the Village.
- G. Quarries, stone crushers, screening plants and storage of quarry screenings.
- H. Incineration of waste materials except in a plant owned and operated by the Village.
- I. Disposal of septic or sewage wastes.
- J. Any other use, whether specified above or not, that is of such a nature as to be detrimental to neighboring properties by reason of emission of odor, dust, refuse matter, garbage, smoke, vibration, gas, radiation, noise or any other factor that is dangerous to the comfort, peace, enjoyment, health or safety of the area or the community.

- K. Freestanding water towers and freestanding water tanks, located below, on or above ground are not permitted, except that such a tower or tank owned and operated by a public utility shall be allowed, as a special permit use of the Planning Board, on plots of three acres or more, subject to approval of the Village Board.
- L. Contractors' storage yards, except in the PI District.
- M. Ministorage facilities.
- N. Bus storage and repair facilities.
- O. Refuse or garbage truck maintenance or storage facilities.
- P. Roadside mobile lunch wagons.
- Q. Truck or bus body repair and painting.

§ 210-14. RR-50 Rural Residential District regulations.

Minimum 50,000 square feet per lot.

A. Uses permitted by right:

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor- or dust-producing substance within a distance of 200 feet from any lot line:
  - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
  - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) One-family detached residences, with not more than one principal residential building on a lot.
- (3) Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law.

B. Special permit uses by Planning Board, subject to Articles **XI** and **XII**:

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of three acres or more.
- (3) Outdoor recreation facilities, including golf courses, tennis courts, ice-skating rinks, swimming pools, parks, playfields and ski areas, subject to Article **XII**, § **210-101**, but excluding miniature golf courses, batting cages, driving ranges and tennis

ranges.

- (4) Accessory to outdoor recreation facilities, uses such as rest rooms, locker rooms, shelters and clubhouses for membership clubs.
- (5) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (6) Camps and day camps, subject to Article **XII**, § **210-101**.
- (7) Nursery schools.
- (8) One-family detached residences subject to § 7-738 of the Village Law pursuant to Article **IV**, § **210-30** (Average density).
- (9) Accessory home professional offices.
- (10) Libraries, museums and art galleries.
- (11) Family and group care facility (non-Padavan).
- (12) Keeping, breeding, and raising of cattle, including dairies, sheep, goats and horses on lots of 20 acres or more, but not within 100 feet of any lot line.
  - (a) None of the foregoing shall be construed to permit the commercial raising of pigs or agricultural industries, such as cage-type poultry operations or processing of animal products not raised on premises.
- (13) Accessory home occupations.
- (14) Schools of general or religious instruction and buildings for religious instruction without accessory housing, other than a guard's or caretaker's dwelling.
- (15) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.
- (16) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Planning Board may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (17) Nursing homes and convalescent facilities licensed by the State of New York.
- (18) Stables and riding academies subject to Article **XII**, § **210-99**.
- (19) Volunteer ambulance service facilities.

- (20) Educational institutions with accessory housing subject to § **210-119** herein.
- (21) Freestanding places of worship subject to Article **XII**, §**210-89**.
- (22) Neighborhood places of worship subject to Article **XII**, §**210.89**.
- (23) Cemeteries on lots adjacent to an established cemetery or place of worship.
- (24) Accessory residential places of assembly.

C. Accessory uses permitted by right:

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than one unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article **VII**, § **210-53**.
- (3) Keeping domestic animals as follows: not more than a total of five cats or dogs over one year old, not more than two horses over six months old, not more than 10 fowl, not more than two of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
- (4) Accessory parking subject to Article **VII**, § **210-56**.
- (5) Accessory loading subject to Article **VII**, § **210-54**.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign in accordance with Article **VIII** herein.
- (8) For any structure for sale or rent, one temporary nonilluminated "for sale" or "for rent" sign in accordance with Article **VIII** herein.
- (9) Accessory to any permitted nonresidential establishment, identification signs in accordance with Article **VIII** herein.

D. Additional use requirements. A landscaped buffer with a minimum dimension of the respective required setback shall be required as condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is

similar to that proposed special permit use approval.

§ 210-15. R-40 Residential District regulations.

Minimum 40,000 square feet per lot.

A. Uses permitted by right:

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor- or dust-producing substance within a distance of 250 feet from any lot line:
  - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
  - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) One-family detached residences, with not more than one principal residential building on a lot.
- (3) Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law.

B. Special permit uses by Planning Board, subject to Articles **XI** and **XII**:

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of three acres or more.
- (3) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (4) Nursery schools.
- (5) One-family detached residences subject to § 7-738 of the Village Law pursuant to Article **IV**, § **210-30** (Average density).
- (6) Accessory home professional offices.
- (7) Libraries, museums and art galleries.
- (8) Family and group care facility (non-Padavan).
- (9) Accessory home occupations.

- (10) Camps legally existing under the Town of Ramapo Zoning Code as of January 1, 1993, pursuant to § **210-101**.
- (11) Schools of general or religious instruction and buildings for religious instruction without accessory housing, other than a guard's or caretaker's dwelling.
- (12) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.
- (13) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Planning Board may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (14) Nursing homes and convalescent facilities licensed by the State of New York.
- (15) Stables and riding academies subject to Article **XII**, § **210-99**.
- (16) Volunteer ambulance service facilities.
- (17) Educational institutions with accessory housing subject to § **210-119** herein.
- (18) Freestanding places of worship subject to Article **XII**, § **210-89**.
- (19) Neighborhood places of worship subject to Article **XII**, § **210-89**.
- (20) Cemeteries on lots adjacent to an established cemetery or place of worship.
- (21) Accessory residential places of assembly.

C. Accessory uses permitted by right:

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than one unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article **VII**, § **210-53**.
- (3) Keeping domestic animals as follows: not more than a total of five cats or dogs over one year old, not more than two horses over six months old, not more than 10 fowl, not more than two of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.

- (4) Accessory parking subject to Article **VII**, § **210-56**.
- (5) Accessory loading subject to Article **VII**, § **210-54**.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign in accordance with Article **VIII** herein.
- (8) For any structure for sale or rent, one temporary nonilluminated "for sale" or "for rent" sign in accordance with Article **VIII** herein.
- (9) Accessory to any permitted nonresidential establishment, identification signs in accordance with Article **VIII** herein.

D. Additional use requirements. A landscaped buffer with a minimum dimension of the respective required setback shall be required as condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special use permit approval.

#### § 210-16. R-35 Residential District regulations.

Minimum 35,000 square feet per lot.

##### A. Uses permitted by right:

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor- or dust-producing substance within a distance of 250 feet from any lot line:
  - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
  - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) One-family detached residences, with not more than one principal residential building on a lot.
- (3) Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law.

##### B. Special permit uses by Planning Board, subject to Articles **XI** and **XII**:



- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Reservoirs and standpipes on lots of three acres or more.
- (3) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (4) Nursery schools.
- (5) One-family detached residences subject to § 7-738 of the Village Law pursuant to Article **IV**, § **210-30** (Average density).
- (6) Accessory home professional offices.
- (7) Libraries, museums and art galleries.
- (8) Family and group care facility (non-Padavan).
- (9) Accessory home occupations.
- (10) Camps legally existing under the Town of Ramapo Zoning Code as of January 1, 1993, pursuant to § **210-101**.
- (11) Schools of general or religious instruction and buildings for religious instruction without accessory housing, other than a guard's or caretaker's dwelling.
- (12) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate fences and other safety devices, screening and landscaping.
- (13) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Planning Board may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (14) Nursing homes and convalescent facilities licensed by the State of New York.
- (15) Stables and riding academies subject to Article **XII**, § **210-99**.
- (16) Volunteer ambulance service facilities.
- (17) Educational institutions with accessory housing subject to § **210-119** herein.
- (18) Freestanding places of worship subject to Article **XII**, §**210-97**.

- (19) Neighborhood place of worship subject to Article **XII**, §**210-97**.
- (20) Cemeteries on lots adjacent to an established cemetery or place of worship.
- (21) Accessory residential places of assembly.

C. Accessory uses permitted by right:

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than one unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article **VII**, § **210-53**.
- (3) Keeping domestic animals as follows: not more than a total of five cats or dogs over one year old, not more than two horses over six months old, not more than 10 fowl, not more than two of any other species of domestic animals; excluding, however, all pigs and cattle. Domestic animals, except for cats and dogs, shall be maintained in an enclosure or fenced area not less than 75 feet from any plot line.
- (4) Accessory parking subject to Article **VII**, § **210-56**.
- (5) Accessory loading subject to Article **VII**, § **210-54**.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign in accordance with Article **VIII** herein.
- (8) For any structure for sale or rent, one temporary nonilluminated "for sale" or "for rent" sign in accordance with Article **VIII** herein.
- (9) Accessory to any permitted nonresidential establishment, identification signs in accordance with Article **VIII** herein.

D. Additional use requirements. A landscaped buffer with a minimum dimension of the respective required setback shall be required as condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special use permit approval.

Minimum 25,000 square feet per lot.

A. Uses permitted by right:

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor- or dust-producing substance within a distance of 250 feet from any lot line:
  - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
  - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) One-family detached residences, with not more than one principal residential building on a lot.
- (3) Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law.

B. Special permit uses by Planning Board, subject to Articles **XI** and **XII**:

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Accessory to an agricultural use, buildings or stands for the display and sale of agricultural products, the majority of which are grown on the same premises.
- (3) Nursery schools.
- (4) One-family detached residences subject to § 7-738 of the Village Law pursuant to Article **IV**, § **210-30** (Average density).
- (5) Accessory home professional offices.
- (6) Libraries, museums and art galleries.
- (7) Family and group care facility (non-Padavan).
- (8) Accessory home occupations.
- (9) Schools of general or religious instruction and buildings for religious instruction without accessory housing, other than a guard's or caretaker's dwelling.
- (10) Underground, surface or overhead utilities, including gas, electrical and water transmission systems, including appurtenances thereto except transmission towers; telephone lines, call boxes and other similar equipment and accessories necessary for furnishing of adequate service by public utilities; substations, pumping stations and other unmanned structures that harmonize with the neighborhood having adequate

fences and other safety devices, screening and landscaping.

- (11) Public and private hospitals and sanatoriums for general medical care. Accessory to such uses, the Planning Board may permit such outpatient clinics and office facilities, provided that in sum such facilities do not exceed 30% of the total floor area of the facility.
- (12) Nursing homes and convalescent facilities licensed by the State of New York.
- (13) Stables and riding academies subject to Article **XII**, § **210-99**.
- (14) Volunteer ambulance service facilities.
- (15) Educational institutions with accessory housing subject to § **210-119** herein.
- (16) Freestanding places of worship subject to Article **XII**, § **210-97**.
- (17) Neighborhood places of worship subject to Article **XII**, § **210-97**.
- (18) Cemeteries on lots adjacent to an established cemetery or place of worship.
- (19) Accessory residential places of assembly.

C. Accessory uses permitted by right:

- (1) Accessory to a one-family residence or agricultural use, the following private structures: greenhouses, barns, silos, sheds, garages, tennis courts, swimming pools and other similar structures.
- (2) Accessory to a one-family residence, storage of not more than one unoccupied trailer, recreational vehicle, boat trailer or boat not exceeding 35 feet in length, subject to Article **VII**, § **210-53**.
- (3) Keeping domestic animals as follows: not more than a total of three cats or dogs over one year old.
- (4) Accessory parking subject to Article **VII**, § **210-56**.
- (5) Accessory loading subject to Article **VII**, § **210-54**.
- (6) Accessory to agriculture operations, storage of goods, equipment, raw materials or products, screened from all property lines.
- (7) For any residence, home occupation or home professional office, if any on the premises, one announcement sign in accordance with Article **VIII** herein.'
- (8) For any structure for sale or rent, one temporary nonilluminated "for sale" or "for rent" sign in accordance with Article **VIII** herein.
- (9) Accessory to any permitted nonresidential establishment, identification signs in accordance with Article **VIII** herein.

D. Additional use requirements. A landscaped buffer with a minimum dimension of the respective required setback shall be required as condition of approval for any special permit use where such uses may adversely affect the residential character of the neighborhood. The buffer, if required, shall be provided between the proposed special permit use and any lot in a residential district. Such buffer area may be reduced where local conditions warrant and substitute measures are prescribed for the protection of neighboring properties or where adjacent use is similar to that proposed for special use permit approval.

§ 210-18. R-15 Residential District regulations.

Minimum 15,000 square feet per lot.

A. Uses permitted by right:

- (1) The following agriculture operations, provided that there shall be no structures or storage of odor- or dust-producing substance within a distance of 250 feet from any lot line:
  - (a) Nurseries, greenhouses and other enclosed structures for growth and production of plants.
  - (b) Open field agriculture, including orchards, truck gardening, vineyards and other field crops.
- (2) One-family detached residences, with not more than one principal residential building on a lot.
- (3) Community residence facilities, subject to Village Board approval as to site selection, pursuant to § 41.34 of the Mental Hygiene Law.
- (4) One-family semiattached residences, with not more than one principal residential building on a lot; such use shall be limited to vacant land only and shall not be permitted on land which is occupied by existing construction.

B. Special permit uses by Planning Board, subject to Articles **XI** and **XII**:

- (1) Public utility buildings or structures not elsewhere identified, excluding power generation and distribution centers, equipment storage and crew facilities and transmission towers.
- (2) Nursery schools.
- (3) One-family detached residences subject to § 7-738 of the Village Law pursuant to Article **IV**, § **210-30** (Average density).
- (4) Accessory home professional offices.

- H. Water quality. The site plan design should address the potential negative impact of the site development on the quality of surface and subsurface water discharges from the site. The design should incorporate measures to improve the quality of storm water discharges from the site such that no degradation of the water quality will result in development of the site.
- I. Consistency with community character. Any application to the Village which exceeds more than 10% of the requirement or containing more than five (5) variances shall be considered as potentially altering the character of the neighborhood and shall require the completion of a full Environmental Assessment Form and a traffic study if deemed necessary by the Planning Board prior to referral to the zoning board for possible variances.

§ 210-74 Site plan procedure.

A. Informal review.

- (1) The applicant shall submit an informal plan for discussion to the Community Design Review Committee (CDRC) prior to a formal application for site development plan review. Chapter **164**, Site Development Plan Regulations, of the Code of the Village of Airmont provides detailed specifications as to application materials and requirements. For purposes of an informal submission, the applicant should provide as much information as possible, keeping in mind the specified criteria required in Chapter **164**, Site Development Plan Regulations. The informal submission shall not constitute a formal application, and no approval can be granted based on it. At this time, the applicant should outline any modifications or waivers he is requesting from the requirements specified in Chapter **164**, Site Development Plan Regulations. The informal plan shall be reviewed by the CDRC prior to the next available Planning Board meeting. (a) The CDRC may opine as to whether an application is sufficiently complete to go before the Planning Board for formal review.
- (2) Upon findings by the Planning Board that, due to special conditions peculiar to a site, certain of the information normally required as part of the site plan is inappropriate or unnecessary or that strict compliance with said requirements may cause extraordinary and/or unnecessary hardships, the Board may vary or waive the provision or such information, as outlined in Chapter **164**, Site Development Plan Regulations, provided that such variance or waiver will not have a detrimental effect on the public health, safety or general welfare or have the effect of nullifying the intent and purpose of this chapter or the Official Map or Master Plan.
- (3) The Planning Board will review the proposed informal plan and may make such suggestions or such conditions as are necessary to ensure conformity of said plans with the general and specific criteria set forth in this chapter and other applicable rules and regulations of the Village of Airmont.

B. Formal review.

- (1) Application for site development plan review shall be made on forms prescribed by the Planning Board and shall be accompanied by a fee in accordance with the Fee Schedule of the Village of Airmont. Such application shall be submitted to the Secretary to the Planning Board at least five weeks prior to the Planning Board meeting at which review is sought. The application will be scheduled for CDRC meeting preceding the Planning Board meeting for which the application was submitted. The CDRC shall determine if the application is complete

and whether the site plan complies with all the specifications as set forth in § **164-7B** of Chapter **164**, Site Development Plan Regulations, of the Code of the Village of Airmont. In the event the application is not complete and/or fails to comply with the specifications of Chapter **164**, Site Development Plan Regulations, it may be rejected by the CDRC, in writing, within five days after the CDRC meeting.

- (2) In the event the application is rejected by the CDRC pursuant to Subsection (B)(1) above, the applicant shall have the option to proceed with the meeting before the Planning Board to discuss the application informally and to request any waivers from Chapter **164**, Site Development Plan Regulations, or to correct the deficiencies and resubmit the plan for the next available meeting of the Planning Board.
- (3) Upon submission of a completed application and site plan complying with Chapter **164**, Site Development Plan Regulations, a public hearing on the site development plan shall be scheduled for the next available Planning Board meeting, but no later than 62 days following the submission of the completed application. The applicant shall notify all owners of real property within 500 feet of the perimeter of the site, in accordance with § **164-5** of Chapter **164**, Site Development Plan Regulations, for the noticing of the public hearing.
- (4) Notice to County Planning Board. At least 10 days before such hearing, the authorized Board shall mail notices thereof to the County Planning Board as required by § 239-m of the General Municipal Law, which notice shall be accompanied by a full statement of such proposed action, as defined in Subdivision 1 of § 239-m of the General Municipal Law. In the event that a public hearing is not required, such proposed action shall be referred before final action is taken thereon.
- (5) In the event that special permit use approval is required, the Planning Board shall simultaneously consider both applications.
- (6) The Planning Board shall approve the site development plan application, approve it with modifications or deny the application within 62 days after the close of the public hearing. The time within which the Planning Board must render its decision may be extended by mutual consent of the applicant and the Board. The Planning Board may impose such conditions as are necessary to ensure conformity with the general and specific criteria set forth in this chapter and in other applicable laws, rules and regulations of the Village.

#### § 210-75 Signing and filing.

The applicant shall submit six copies of the site development plan with all modifications required by the Planning Board in its approval for signature by the Chairman of the Planning Board within one year of the filing of the resolution approving the plan. Upon satisfaction of all conditions, if any, imposed in the approval, and after review and approval by the appropriate Village departments, agencies and consultants, and after submission of all legal documents necessary to effect the conveyances or restrictions as set forth on the site plan are delivered in a form satisfactory to the Village Attorney, the Chairman of the Planning Board shall sign the site development plan. One copy shall be filed with the Building Inspector and one copy shall be returned to the applicant. No site plan shall be signed, however, until all public hearing posters have been returned to the Planning Board Clerk and all applicable fees including, but not limited to, professional consultants, hearing notices and inspections have been paid by the applicant regarding the application and approval.



individual, a partnership, a joint venture, a corporation, an unincorporated association, a firm or any other form of entity, contractors, subcontractors or journeymen; "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended," "arranged" or "designed to be used or occupied."

- D. The "Village" is the Village of Airmont in the County of Rockland, State of New York; the "Village Board," "Zoning Board of Appeals," "Planning Board" and "Building Inspector" are respectively the Village Board, Board of Appeals, Planning Board and Building Inspector of the Village. The "Town" is the Town of Ramapo in the County of Rockland, State of New York.
- E. "Article," as a term of reference in this chapter, refers to this chapter.
- F. "Shall" is always mandatory, except when applied to public officials, in which event "shall" is directory. "Time requirements" shall, nevertheless, be considered mandatory.

#### § 210-174 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### ACCESSORY

The term applied to a building, structure or use which is clearly incidental or subordinate to, and customarily in connection with, the principal building, structure or use and which is located on the same lot with the principal building, structure or use. Any accessory building or structure attached to a principal building or structure is deemed to be part of such principal building or structure in applying the bulk requirements to such building or structure. No use shall be considered accessory where such use requires a greater area of a lot or larger setbacks or yards or for which greater restrictions than for the principal use on the lot are imposed by this chapter.

#### ADJOINING

Physically touching or bordering upon or sharing a common property line or major portion thereof.

#### ADULT ESTABLISHMENT

[Added 7-13-1998 by L.L. No. 5-1998]

- A. An adult establishment is a commercial establishment where a substantial portion of the establishment includes, but is not limited to, an adult bookstore, adult eating or drinking establishment, adult theater, or other adult commercial establishment, or any combination thereof, as defined below:
  - (1) **ADULT BOOKSTORE** A bookstore which has as a "substantial portion" of its stock-in-trade any one or more of the following:
    - (a) Books, magazines, periodicals or other printed matter which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
    - (b) Photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of specified sexual

The primary or predominant use for which a lot or building is used.

#### RESIDENCE

A building or part thereof designated, used or occupied for one or more dwelling units, but not including tourist home, hotel, motel, tourist cabin, summer colony or trailer.

#### RESIDENTIAL GARAGE

An enclosed non-habitable space for the storage of one or more motor vehicles, provided that no business, occupation or service is conducted therein, which is either attached or detached from the residential portion of the property.

#### RESIDENCE, MULTIFAMILY

A building which is designed, used or occupied for residential purposes for more than two dwelling units.

#### RESIDENCE, ONE-FAMILY

A building designed, used or occupied for residential purposes for one dwelling unit only.

#### RESIDENCE, ONE-FAMILY SEMIATTACHED

A building or structure which comprises one dwelling unit for one family and which is attached or connected to another dwelling unit for one family at their common property line by means of a party wall, the length of which represents at least 50% of the total sidewall length of which the party wall is a part, and which is separated from any other building or structure by open space on the side lot line opposite the party wall and by open space on the front and rear lot lines. Each dwelling unit must be on its own lot. No certificate of occupancy shall be issued for a one-family semi-attached residence until such time as the Building Inspector finds the other dwelling unit to be substantially complete.

#### RESIDENCE, TOWNHOME OR ATTACHED HOME

One of several units in a building, which unit is designed for and occupied exclusively as a home or residence for not more than one family living independently of any other family separated from other units by a party wall or walls.

[Added 12-5-2011 by L.L. No. 5-2011]

#### RESIDENCE, TWO-FAMILY DETACHED

A building which is designed, used or occupied for residential purposes for two dwelling units.

#### RESIDENTIAL PLACE OF ASSEMBLY

An accessory area within a one-family detached residence, not to exceed 1,400 square feet or 30% of the gross floor area of the residence, whichever is lesser, that is used by organizations or loose affiliations of likeminded people to conduct civic, social or religious activities, or

organizational functions more than three (3) times per month.

#### RESTAURANT

A fully enclosed building or portion thereof where food and beverages, whether or not alcoholic, are sold primarily to the public for consumption on the premises and where regular table service is provided.

#### RESTAURANT, FAST-FOOD

Any establishment primarily engaged in the sale of pre-prepared or quickly prepared food and beverages which are ordered from a stand-up counter and which provides no or limited table service. A fast-food restaurant may include a drive-up or drive-through service facility.

#### ROAD, COLLECTOR

Any street which serves to carry traffic from local residential streets to secondary streets.

#### ROAD, INDUSTRIAL SERVICE

A public street or right-of-way providing access to a planned office and/or industrial building development of at least 10 acres in a PO or LO District, subject to the requirements of Article V, § 210-35E.

#### ROAD, LOCAL

Any street which serves primarily as an access to abutting residential properties.

#### ROAD, MAJOR

Any street which is used primarily as a route for traffic between communities or large areas.

#### ROAD, SECONDARY

Any street which serves to carry traffic from collector streets to a system of major streets.

#### R OR RESIDENCE DISTRICT

An RR-50, R-40, R-35, R-25, R-15 or RSH District in the Village of Airmont, or a corresponding district in an adjoining municipality.

[Amended 5-24-2004 by L.L. No. 1-2004]

#### SANITARY LANDFILL

A site for the disposal of solid waste.

#### SCHOOL OF GENERAL OR RELIGIOUS INSTRUCTION

Any secular or religious public or private elementary or junior high school, high school, college,